

Remarks

Applicant respectfully requests reconsideration of this application as amended. No claims have been amended, canceled, or added. Claims 34 and 35 were previously canceled. Therefore, claims 1-33 and 36-39 are presented for examination.

35 U.S.C. §103 Rejection

Claims 1, 3-6, 10, 11, 13-16, 20-25, 27-29, 31-32, 36 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz et al. (U.S. Pub. No. 2003/0046421), in view of Horvitz (U.S. Pub. No. 2002/0087649) in further view of Alexander et al. (U.S. Patent No. 6,640,230). Applicant submits that the present claims are patentable over Horvitz '421 and Horvitz '649 in view of Alexander.

Horvitz '421 discloses a system that provides controls and displays for acquiring user preferences, inspecting behavior, and guiding learning and decision policies of an adaptive communications prioritization and routing system. (See Horvitz '421 at ¶ [0007].) Horvitz '649 discloses a system and methodology for reducing disruption costs associated with notifying a user of messages, automated assistance, and/or alerts. (See Horvitz '649 at Abstract.) Alexander discloses a system for using calendar events for users of electronic calendaring systems to prepare customized responses to incoming events, where the response supplies information pertaining to the user. (See Alexander at Abstract.)

Independent claim 1 of the present application recites, in part, "handling, by the digital assistant, the event without contacting the user if the level of importance of the event is greater than or equal to a first threshold and less than or equal to a second threshold, the handling including the digital assistant using profile information of the user of the digital

assistant, rules set by the user, technological obstacles, geographical obstacles, and any other previously attempted contacts to determine whether to contact someone associated with the event and who to contact associated with the event, in order to resolve the event." (Emphasis added.) Applicant submits that Horvitz '421 does not disclose or suggest the above-cited feature of claim 1. The Office Action acknowledges this when stating "Horvitz ['421] fails to expressly disclose...: (1) the handling of the event including using profile information of the user of the digital assistant, rules sets by the user, technological obstacles, geographic obstacles, and any other previously attempted contacts to determine whether to contact someone associated with the event and who to contact associated with the event, in order to resolve the event." (Final Office Action mailed 6/16/08 at pg. 4.)

However, the Office Action does cite Alexander as teaching this cited feature. (Id. at pg. 5.) For instance, the Final Office Action states that Alexander discloses the above cited feature of claim 1 at "Figure 10 <item 1090>; Figure 11; column 7 <line 57> to column 8 <line 16>; using the user's calendar, rules, user's capabilities, 'where a user happens to be' and 'what devices the user has access to' to determine whether to contact a 'designated alternate contact'; column 9 <lines 12-15>" of Alexander. (Id.) Yet, applicant submits that Alexander does not disclose the digital assistant using a variety of information associated with a user of the digital assistant (such as rules set by the user, technological obstacles, geographical obstacles, and any other previously attempted contacts) to determine whether to contact someone associated with the event and who to contact associated with the event, in order to resolve the event as provided by the present application.

The description in Alexander only provides for "the automated response may provide for forwarding the incoming event to a designated alternate contact. (Alexander at col. 8, ll.

1-2.) There is no discussion or teaching in Alexander of the calendaring system actually determining a specific person associated with an incoming event and determining whether that specific person should be contacted for a particular incoming event based on information related to the user of the calendaring system. At most, the cited portions of Alexander teach a global rule for forwarding all incoming events to the same alternate contact, provided by the user of the system, if such a setting exists in the calendaring system. As such, Alexander does not disclose or suggest the cited feature of claim 1.

In addition, applicant can find no disclosure or suggestion of such a feature anywhere in Horvitz '649. As neither Horvitz '421, Horvitz '649, or Alexander, individually or in combination, disclose or suggest the cited feature of claim 1, applicant respectfully submits that claim 1, as well as its dependent claims, is patentable over Horvitz '421 and Horvitz '649 in view of Alexander.

Independent claims 11, 21, 27, and 31 recite limitations similar to those recited in claim 1. Therefore, claims 11, 21, 27, and 31, as well as their respective dependent claims, are patentable over Horvitz '421, Horvitz '649, and Alexander for the reasons discussed above with respect to claim 1.

Claims 2, 12, 37, and 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz, in further view of Horvitz '649 and Alexander et al., in further view of what was well known in the art. Applicant submits that the present claims all depend from one of the independent claims. As discussed above, the independent claims are patentable over Horvitz '421 and Horvitz '649 in view of Alexander. What is well known in the art does not remedy the deficiencies of Horvitz '421 and Horvitz '649 in view of

Alexander as far as disclosing the claims of the present application. As a result, the present claims are also patentable over Horvitz '421, Horvitz '649, and Alexander, even in view of what is well known in the art.

Claims 7, 17, 26, and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz, in view of Horvitz '649 and Alexander et al., in further view of Fisher et al. (U.S. Patent No. 5,835,896). Applicant submits that the present claims all depend from one of the independent claims. As discussed above, the independent claims are patentable over Horvitz '421 and Horvitz '649 in view of Alexander. Fisher does not remedy the deficiencies of Horvitz '421 and Horvitz '649 in view of Alexander as far as disclosing the claims of the present application. As a result, the present claims are also patentable over Horvitz '421, Horvitz '649, and Alexander, even in view of Fisher.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.


Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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